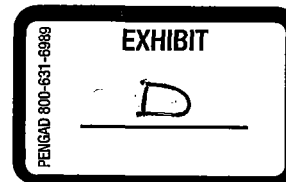


IN THE UNITED STATES BANKRUPTCY COURT FOR THE
DISTRICT OF NEBRASKA

IN RE:) Case No. BK24-40267
) (Chapter 7)
ALDEN H. ZUHLKE and)
LISA A ZUHLKE,) **OBJECTION TO SUBPOENA**
)
Debtors.)

Comes now, Sunshine Ranch Co. by and through its attorney of record, Ronald E. Temple, and objects, pursuant to Rule 45 of the Federal Rules of Civil Procedure, to the Subpoena served by Derek & Kimberly Zuhlke and Dillan & Michelle Zuhlke upon Sunshine Ranch Co., 85882 526th Ave. Neligh NE, 68756, for the following good and sufficient reasons;

1. Sunshine Ranch Co. objects on the grounds that it was not properly served with a subpoena on December 16, 2024. Service of a Rule 45 subpoena requires delivering a copy to the named person. Fed. R. Civ. P. 45. While rule 45 does not state with specificity on how to serve a business entity with a subpoena, courts generally look to the service requirements of Federal Rule of Civil Procedure 4. "When a non-party is served, the method of service needs to be one that will ensure the subpoena is placed in the actual possession or control of the person to be served." *Firefighter's Inst. for Racial Equal. ex rel. Anderson v. City of St. Louis*, 220 F.3d 898, 903 (8th Cir. 2000). "Federal Rule of Civil Procedure 45 does not specify what constitutes personal service on a corporation in the [U.S.] or in a foreign country. To fill this gap courts [rely] on the service of process requirements on corporations set out in Federal Rule of Civil Procedure 4." *Aristocrat Leisure Ltd. v. Deutsche Bank Tr. Co. Americas*, 262 F.R.D. 293, 305 (S.D.N.Y. 2009); see also *Hamilton v. Radnor Twp.*, 662 F. Supp. 3d 536, 541 (E.D. Pa. 2023) ("Serving a corporate entity requires serving an *officer* or *agent* of the corporation in the district where the corporations has had sufficient contacts") (emphasis added). Pursuant to Rule 4, a corporation must be served in a manner prescribed by Rule 4(e)(1) (state law methods for serving a summons), or by



"delivering a copy to an officer, managing or general agent, or any other agent authorized by appointment or by law to receive service of process *and* - and if the agent is one authorized by statute and the statute so requires - by also mailing a copy of each to the defendant." Fed. R. Civ. P. 4. (Emphasis added). Here, the subpoena issued by Derek & Kimberly Zuhlke and Dillan & Michelle Zuhlke was only mailed to Sunshine Ranch Co., without delivering a copy to an officer, managing or general agent, or any other agent authorized to receive services of process.

2. Sunshine Ranch Co. objects on the grounds that counsel for Derek & Kimberly Zuhlke and Dillan & Michelle Zuhlke has a conflict of interest warranting their withdrawal as counsel.

3. Sunshine Ranch Co. objects on the grounds that it was commanded to produce documents, electronically stored information, or tangible things at a place exceeding 100 miles of where Sunshine Ranch Co. resides, is employed, or regularly transacts business in person in violation of Rule 45(c)(2)(A) of the Federal Rules of Civil Procedure.

4. Sunshine Ranch Co. objects on the grounds that it was given insufficient time to comply with the subpoena due to the holidays, in that it cannot reasonably obtain all of the documents commanded to be produced within the time frame of the subpoena, and therefore asserts that Derek & Kimberly Zuhlke and Dillan & Michelle Zuhlke have failed to take reasonable steps to avoid imposing undue burden or expense on Sunshine Ranch Co. pursuant to Rule 45(d)(1).

5. Sunshine Ranch Co. objects on the grounds that Derek & Kimberly Zuhlke and Dillan & Michelle Zuhlke seek privileged information in that they seek the confidential financial, organizational, tax, etc. information of Sunshine Ranch Co. Derek & Kimberly Zuhlke and Dillan & Michelle Zuhlke further have not shown they have a substantial need for the materials commanded to be produced without incurring any undue hardship.

WHEREFORE, Sunshine Ranch Co. objects to the production of any documents requested herein.

SUNSHINE RANCH CO.

By: /s/ Ronald E. Temple
Ronald E. Temple #20625
Fitzgerald, Vetter, Temple,
Bartell & Henderson
1002 Riverside Blvd., Suite 200
Norfolk, NE 68701
Tel.: (402)371-7770
Email: rtemple@fvtlawyers.com

CERTIFICATE OF SERVICE

I, the undersigned, certify that a copy of the foregoing was served on
the aforesaid person(s) in the following manner and at the following address:

U.S. Mail, Regular

McGrath North Mullen & Kratz PC
c/o Lauren R. Goodman
1601 Dodge St. Ste. #3700
Omaha, NE 68102

This 27th day of December, 2023

One of Sunshine Ranch Co.'s Attorneys